

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHEVELLE TINGEN,)	
)	Civil Action
Plaintiff)	No. 02-CV-04663
)	
vs.)	
)	
ROBERT L. ECKLIN, JR.,)	
Individually and doing business)	
as ECKLIN DEVELOPMENT GROUP, and)	
DENNIS SCHOPF,)	
)	
Defendants)	

O R D E R

NOW, this 26th day of September, 2003, upon consideration of Plaintiff's Motion to Enlarge Time to File Response to Defendants' Motion for Summary Judgment, which motion was filed September 15, 2003; it appearing that defendants oppose plaintiff's motion¹,_____

_____ IT IS ORDERED that plaintiff's motion for an extension of time to respond to defendants' motion for summary judgment is granted in part and denied in part.²

¹ Plaintiff attached as an exhibit to her motion a letter from Joseph D. Shelby, Esquire, counsel for defendants, which indicates that defendants oppose any extension of the deadline for plaintiff to respond to the motion for summary judgment.

² Plaintiff requests a ten-day extension of time to answer defendants' motion for summary judgment from the current deadline of September 18, 2003. In this motion, plaintiff's counsel Nina B. Shapiro, Esquire, asserts that there is still outstanding expert depositions scheduled for September 17, 2003. Moreover, Attorney Shapiro contends that she has conflicts with other cases and her own personal schedule that warrant a brief extension of time to respond.

Defendants oppose this motion because plaintiff previously filed a motion for sanctions relating to alleged discovery abuses and they are not disposed to granting plaintiff any "favors" like this request for a short extension of time to respond to their motion for summary judgment. Moreover,

IT IS FURTHER ORDERED that plaintiff shall have until on or before September 26, 2003 file an answer and memorandum of law in support of her answer to defendants' motion for summary judgment.

BY THE COURT:

James Knoll Gardner
United States District Judge

(Continuation of footnote 2):
defendants contend that there is insufficient time between the response deadline and trial in this case to permit plaintiff to have this extension of time. For the following reasons, we agree in part and disagree in part with both plaintiff and defendants and grant plaintiff a short extension of time in which to respond to defendants' motion for summary judgment.

We are unpersuaded by defendant's opposition on the basis of not desiring to do plaintiff any "favors" in this case because of a previously filed motion for sanctions. However, trial in this case is scheduled for the week of October 20, 2003 and because we are close to the eve of trial, we agree that this poses a slight problem for the court to dispose of the motion.

We note that September 28, 2003 is a Sunday, and plaintiff would not be required to file a response until Monday, September 29, 2003. Accordingly, because we conclude that plaintiff shows good cause for a short extension of time, we grant plaintiff an extension of time until on or before September 26, 2003 to respond to defendants' motion for summary judgment. The three days gives the undersigned a bit more time to appropriately dispose of defendants' summary judgment motion but still grants plaintiff a short extension of time.